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## REMARKS

### STATUS OF THE CLAIMS

Claims 1-24, 26, and 28 are currently pending and have been amended. Claims 25 and 27 have been canceled. It is believed that no new matter has been introduced by the amendments. In view of the amendments and following remarks, the Applicant respectfully requests reconsideration of the rejections and allowance of the application

### REJECTIONS UNDER 35 U.S.C. § 101

The Examiner rejected claims 26 and 28 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. *Office Action*, 2. Claims 26 and 28, previously directed toward a 'computer program product,' is herein amended to be directed toward a 'computer-readable storage medium.' The Applicants submit that this amendment recites statutory subject matter and does not constitute the addition of new matter.

### REJECTIONS UNDER 35 U.S.C. § 102(e)

The Examiner rejected claims 1-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,802,012 (hereinafter *Smithson*). *Office Action*, 3. The Applicants respectfully traverse the rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The Applicants submit that *Smithson* does not disclose 'extracting a plurality of reference points from the body of the message, each reference point being information used to contact a referenced entity, 'classifying each of the plurality of reference points based on a source associated with each reference point,' and 'determining

whether the message is a fraudulent message appearing to be from a legitimate source based on the classified reference points," as recited in the amended independent claims 1 and 26.

*Smithson* also fails to disclose 'identifying a plurality of fraud indicators in a body of the message,' 'applying a statistical analysis on the plurality of fraud indicators,' and 'determining whether the message is a fraudulent message,' as recited in the amended independent claims 15 and 28.

*Smithson* fails to disclose 'extracting a plurality of reference points from a body of the message.'

A 'reference point' is information in the body of a message that can be 'used to contact a referenced entity.' While *Smithson* teaches "e-mails containing words or content indicative of activity," *Smithson* fails to teach that the body of the email includes information for contacting a referenced entity. *Smithson*, col. 3, l. 52. Because *Smithson* does not disclose any 'reference points from a body of the message,' it cannot disclose 'extracting a plurality of reference points from a body of the message.'

*Smithson* concerns "scanning for spam e-mail" by determining whether there is a "threshold level of e-mail messages having one or more common characteristics." *Smithson*, col. 3, l. 63-66. *Smithson* therefore classifies e-mail characteristics based on whether there are other e-mails with those characteristics in common. In contrast, 'classifying each of the plurality of reference points,' as recited in independent claim 1, for example, is 'based on a source associated with each reference point.' Classification based on the source of the reference point is different than classification based on comparison to other messages. *Smithson*, therefore, fails to disclose 'classifying each of the plurality of reference points based on a source associated with each reference point.'

*Smithson* also fails to disclose anything concerning 'determining whether the message is a fraudulent message.' A fraudulent message designed to appear to be 'from a legitimate source' in order to trick recipients into revealing personal information. *Smithson* does not teach anything concerning any fraudulent message or determining whether a message is a fraudulent

message. A spam message is not the same thing as a fraudulent message appearing to be from a legitimate source. Identifying a spam message is therefore different from determining whether a message is a fraudulent message appearing to be from a legitimate source.

*Smithson* further fails to disclose 'identifying a plurality of fraud indicators in the message.' A 'fraud indicator' is a pattern characteristic to fraudulent messages, such as divergent reference points. While *Smithson* teaches "scanning for spam e-mail" by determining whether there is a "threshold level of e-mail messages having one or more common characteristics," *Smithson* fails to disclose anything concerning 'a plurality of fraud indicators' within a single message. *Smithson*, col. 3, l. 63-66. *Smithson* therefore does not teach 'identifying a plurality of fraud indicators in the message.'

Further, because *Smithson* does not disclose any 'plurality of fraud indicators in the message,' it also cannot disclose 'applying a statistical analysis on the plurality of fraud indicators.' *Smithson* actually does not disclose any type of statistical analysis on any characteristic of the message.

*Smithson* also fails to disclose anything concerning 'determining whether the message is a fraudulent message based on the analysis.' In addition to the failure to teach 'a statistical analysis,' *Smithson* also fails to teach anything concerning any 'fraudulent message' or 'determining whether a message is a fraudulent message.' A spam message is not the same thing as a fraudulent message. Identifying a spam message is different from determining whether a message is a fraudulent message.

As such, the Applicants believe that *Smithson* fails to anticipate the independent claims 1, 15, 26, and 28. Further, because each of the dependent claims incorporates by reference all the limitations of the independent claim from which it depends, *Smithson* also fails to anticipate dependent claims 2-14 and 16-24.

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## CONCLUSION

The Examiner's rejections of claims 1-28 are overcome in that the cited reference fails to teach each and every limitation of the claims. The Applicants have evidenced the failure of *Smithson* to disclose each and every element of the independent claims, including at least 'extracting a plurality of reference points from the body of the message, each reference point being information used to contact a referenced entity,' 'classifying each of the plurality of reference points based on a source associated with each reference point,' and 'determining whether the message is a fraudulent message appearing to be from a legitimate source based on the classified reference points,' as recited in independent claims 1 and 26, as well as at least 'identifying a plurality of fraud indicators in a body of the message,' 'applying a statistical analysis on the plurality of fraud indicators,' and 'determining whether the message is a fraudulent message,' as recited in independent claims 15 and 28.

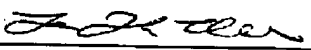
Any claim dependent upon one of the aforementioned independent claims is allowable for at least the same reasons as the claim from which it depends. As such, each and every one of the dependent claims of the present application are also in condition for allowance.

The Applicants respectfully request the passage of the present application to allowance. The Examiner is invited to contact the Applicants' undersigned representative with any questions concerning this matter.

Respectfully submitted,  
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